IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1005 of 2005

Between:

Smt. Kummari Nageswaramma @ Vani, W/o Nagesh Babu,
W /o D.No. 1-21, Renumakulapalli (V), Uravakonda Mandal,

Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector, Ananthapur, Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur Division, Ananthapur.
3 Mandal Revenue Officer, Uravakonda Mandal, Ananthapur District.
4 K. Jagadish, S/o Neelakantappa,
R/o Renumakula Palli (V), Uravakonda Mandal, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the proceedings of the 2nd respondent in Proceedings No. D.Dis.No. DICS/1344/2001 dated 30-12-2004 by selection and appointing the 4th respondent as a Fair Price Shop Dealer to Renumakulapalli village of Uravakonda Mandal, Anantapur District on permanent basis contrary to the G.O.Ms.No. 53 dt. 6-10-2003 is illegal and band and subsequently the Joint Collector was also refused stay petition in Rc.No. K4/ATP/52/2004 dt. 22-1-2005 in an appeal filed by the petitioner is illegal, arbitrary and violation of Act 14, 19 and 21 of the Constitution of India and consequently set aside the above said proceedings of illegal and direct the respondents herein to consider the candidature of the petition for appointment of F.P, shop dealer in the place of

4th respondent and pass such other order.

Counsel for the Petitioner: MRV.L.SURENDRA

Counsel for Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for Respondent No.4: --None

The Court at the stage of admission made the following ORDER:

The petitioner and the fourth respondent submitted their applications for appointment as fair price shop dealer for Renumakulapalli village of Ananthapur district, in pursuance of a notification dated 20.07.2004. Through his proceedings, dated 30.12.2004, the second respondent selected and appointed the fourth respondent as the dealer. Alleging that the fourth respondent is not qualified to be appointed as a fair price shop dealer, particularly in view of Clause 6 of the G.O.Ms.No.53, dated 06.10.2003, the petitioner preferred an appeal before the first respondent. She also filed an application for stay. Through his order, dated 22.01.2005, the first respondent rejected the application for stay. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

In the appeals preferred against the orders appointing an individual as the fair price shop dealer, it is almost impermissible to stay the operation of such orders of appointment. The reason is that no benefit, as such, would accrue to the appellant by preventing the selected candidate from functioning as the dealer. The legality or otherwise of the order of appointment can be considered only at the final disposal of the appeal. Therefore, no exception can be taken to the order dated 22.01.2005 passed by the first respondent. The interests of the petitioner can be protected by requiring the first respondent to dispose of the appeal at an early date.

Hence, the writ petition is disposed of directing that the first respondent shall pass appropriate orders in the appeal preferred by the petitioner within a period of six weeks from the date of receipt of a copy of this order, after ensuring that

the fourth respondent is served with the notice. There shall be no order as to costs.

28.01.2005

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To

1 The Joint Collector, Ananthapur, Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur Division, Ananthapur.
3 Mandal Revenue Officer, Uravakonda Mandal, Ananthapur District.
4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad, (OUT).

5 Two C.D. Copies.